

ORDINANCE 2013-07

**AN ORDINANCE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS,
STATE OF NEW JERSEY TO AUTHORIZE THE ACQUISITION OF PROPERTY
KNOWN AS 431 BOULEVARD, LOT 120, BLOCK 48.16, ON THE OFFICIAL TAX
MAP OF THE TOWNSHIP OF CHATHAM FROM THE ESTATE OF ANDREW
FORNARO, JR. AND ANNA FORNARO**

WHEREAS, the Township of Chatham has been offered the opportunity to acquire for open space purposes premises known as 431 Southern Boulevard, Lot 120, Block 48.16, on the Tax Map of the Township of Chatham (the subject premises) from the current owners, the Estate of Andrew Fornaro, Jr., and/or its successor in title, and Anna Fornaro (the Sellers); and

WHEREAS, the subject premises offered to the Township consists of approximately 5.6 acres, with a house and outbuildings thereon; and

WHEREAS, the acquisition of the subject premises will, with the demolition of the house and outbuildings, allow for the preservation of prime open space, and is consistent with the intent and purpose of the Master Plan of the Township for open space; and

WHEREAS, acquisition of the subject premises will preserve open space adjacent to existing Township-owned open space and provide land for access to other open space, and because the premises was previously farmed may be so used by the community and, thereby, advance the Master Plan and the Open Space Plan; and

WHEREAS, the Sellers are willing to convey the subject premises to the Township for the sum of \$450,000; and

WHEREAS, the Township has received a grant from the Morris County Open Space Trust Fund toward the purchase price; and

WHEREAS, the Township desires to acquire title to the same contingent upon a fair market value appraisal, a satisfactory environmental evaluation, and the appropriation of funds in accordance with the laws of the State of New Jersey;

NOW, THEREFORE, BE IT ORDAINED, by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey, as follows:

1. The Township of Chatham hereby approves and authorizes the Mayor, Township Clerk and the Township Attorney to execute an agreement and such other documents as may be necessary to acquire the above described premises (approximately 5.6 acres) located at 431

Southern Boulevard and known as Lot 120, Block 48.16 on the Tax Map of the Township of Chatham, from the Sellers.

2. The agreement shall also contain the following essential terms and conditions:
 - a. Title shall be by Bargain and Sale Deed with Covenants against Grantor's Acts.
 - b. The closing date shall be on or about June 15, 2013.
 - c. The closing shall be contingent upon the Township obtaining a fair market value appraisal and a satisfactory environmental evaluation..
 - d. The Township's obligation to close shall be subject to the appropriation of funds in accordance with the laws of the State of New Jersey, including funds from the Open Space grant from the Morris County Open Space Trust Fund.
3. The purchase price plus closing and demolition costs shall not exceed \$500,000.00.
4. This ordinance shall take effect in accordance with law.

Introduced: March 28, 2013
Adopted: April 11, 2013

**TOWNSHIP OF CHATHAM, COUNTY
OF MORRIS, STATE OF NEW JERSEY**

Attest:

Nicole Hagner, Mayor

Gregory J. LaConte, Clerk

#500552